Registered No. M. 1175.

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The Mysore Gazette

PUBLISHED BY AUTHORITY

(EXTRAORDINARY)

BANGALORE, FRIDAY, JULY 11, 1952.

PART IV.

Section 2-A

MYSORE BILLS AND REPORTS OF SELECT COMMITTEES THEREON.

MYSORE LEGISLATURE.

NOTIFICATION.

No. 4682—L.A. dated Bangalore, 11th July 1952.

As required by rule 69 of the Rules of Procedure and Conduct of Business in the Mysore Legislative Assembly the following report of the Select Committee on the Mysore Court Fees (Amendment) Bill, 1952, with the amended Bill, is hereby published.

G. S. VENKATARAMANA IYER,
Secretary,
Mysore Legislature.

MYSORE LEGISLATIVE ASSEMBLY

BUDGET SESSION, 1952. 720

REPORT OF THE SELECT COMMITTEE ON THE MYSORE COURT FEES (AMENDMENT) BILL, 1952.

(*Presented on the 9th July 1952.*)

We, the members of the Select Committee to which the Mysore Court Fees (Amendment) Bill, 1952, was referred, have considered the several Clauses of the Bill and have the honour to submit the following report:—

Clause 2.—We are of the opinion that the increase in Court Fee resulting from the proposed amendment would be considerable and would work as a great hardship on litigants. On the other hand, we recognise that the present basis of valuation is too low in the present conditions. We therefore recommend that to the proviso proposed to Section 4, paragraph (v) another proviso may be added as follows:—

"Provided further that when the value of land so determined exceeds twenty times the revenue payable on the land, the value shall be limited, for the purposes of this paragraph, to twenty times the said revenue."

As these provisos would apply only to paragraph (v) A of Section 4, we recommend that for the figure, brackets and word 'paragraph (v)' the figure, brackets, word and letter 'paragraph (v)A' may be substituted.

The Bill was published in the *Mysore Gazette* Extraordinary dated the 19th June 1952. In our opinion the Bill has not been so altered as to require circulation.

A. G. RAMACHANDRA RAO
(*Chairman*)
K. PATTABHI RAMAN
K. PUTTASWAMY
B. T. KEMPA RAJ
V. MASIYAPPA
B. P. NAGARAJA MURTHY
H. S. RUDRAPPA.

BANGALORE,
8th July 1952.

[AS AMENDED BY THE SELECT COMMITTEE.] 724

(Words underlined or sidelined indicate the amendments suggested by the Committee.)

THE MYSORE COURT FEES (AMENDMENT) BILL, 1952.

A Bill further to amend the Mysore Court Fees Act, 1900.

Whereas it is expedient further to amend the Mysore Court Fees Act, 1900 (Mysore Act III of 1900), for the purposes hereinafter appearing ; Preamble.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Court Fees (Amendment) Act, 1952. Short title and commencement.

(2) It shall come into force on the first day of August 1952.

2. To paragraph (v) A of section 4 of the Mysore Court Fees Act, 1900 (hereinafter referred to as the principal Act), the following proviso shall be added, namely :— Amendment of section 4 of Mysore Act III of 1900.

"Provided that if rules are framed under section 3 of the Mysore Suits Valuation Act, 1951 (Mysore Act XXXIX of 1951), for determining the value of land for the purposes of jurisdiction, the value so determined shall be deemed to be the value of the land for the purposes of this paragraph :

Provided further that when the value of land so determined exceeds twenty times the revenue payable on the land, the value shall be limited, for the purposes of this paragraph, to twenty times the said revenue."

3. In Schedule I to the principal Act— Amendment of Schedule I to Mysore Act III of 1900.

(*a*) For Article 1, the following Articles shall be substituted, namely—

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Number.	"Ad valorem Fees.	Proper fee.
	When the amount or value of the subject matter in dispute does not exceed five rupees.	Eight annas.
	When such amount or value exceeds five rupees, for every five rupees, or part thereof, in excess of five rupees, up to one hundred rupees.	Nine annas.
	When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof, in excess of one hundred rupees, up to one thousand rupees.	One rupee and two annas.
	When such amount or value exceeds one thousand rupees, for every one hundred rupees, or part thereof in excess of one thousand rupees, up to five thousand rupees.	Seven rupees and eight annas.
	When such amount or value exceeds five thousand rupees, for every two hundred and fifty rupees, or part thereof in excess of five thousand rupees, up to ten thousand rupees.	Fifteen rupees
1. Plaint or written statement pleading a set off or counter claim or memorandum of appeal (not otherwise provided for in this Act) presented to any Civil or Revenue Court.	When such amount or value exceeds ten thousand rupees, for every five hundred rupees, or part thereof, in excess of ten thousand rupees, up to twenty thousand rupees.	Twenty-two rupees and eight annas.
	When such amount or value exceeds twenty thousand rupees, for every one thousand rupees, or part thereof, in excess of twenty thousand rupees up to thirty thousand rupees.	Thirty rupees.

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Ad valorem Fees.	*Proper Fee.*	*Number.*
When such amount or value exceeds thirty thousand rupees, for every two thousand rupees or part thereof, in excess of thirty thousand rupees up to fifty thousand rupees.	Thirty rupees.	
When such amount or value exceeds fifty thousand rupees, for every five thousand rupees, or part thereof, in excess of fifty thousand rupees.	Thirty rupees.	
When the amount or value of the subject matter in dispute does not exceed five rupees.	Six annas.	I A. Plaint or written statement pleading a set-off or counter claim presented to any court in any suit of the nature cognizable by Courts of Small Causes when the amount or value of the subject matter does not exceed rupees five hundred.
When such amount or value exceeds five rupees, for every five rupees or part thereof in excess of five rupees up to one hundred rupees.	Six annas.	
When such amount or value exceeds one hundred rupees, for every ten rupees or part thereof in excess of one hundred rupees, up to five hundred rupees.	Twelve annas.	

(*b*) For Articles 11 and 12 the following Articles shall be substituted, namely :—

"When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees but does not exceed five thousand rupees.	Two per centum on such amount or value.	

Number.	*Ad valorem Fees*	*Proper Fee.*
	When such amount or value exceeds five thousand rupees, on the portion of such amount or value in excess of five thousand rupees, up to fifty thousand rupees.	Three per centum on such amount or value.
11. Probate of a will or letters of administration with or without will annexed.	When such amount or value exceeds fifty thousand rupees, on the portion of such amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Four per centum on such amount or value.
	When such amount or value exceeds one lakh of rupees, on the portion of such amount or value in excess of one lakh of rupees.—	Five per centum on such amount or value.
	Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, in respect of any property included in an estate, a grant of probate or letters of administration is made in respect of the same estate, the fee payable in respect of the latter grant shall be reduced by the amount of fee paid in respect of the former grant.	
	When the amount or value of the debts or securities specified in the certificate under section 374 of the Act does not exceed five thousand rupees.	Two per centum on such amount or value, and three and a half per centum on the amount or value of the debts or securities to which the certificate is extended under section 376 of the Act.
	When such amount or value exceeds five thousand rupees, on the portion of such amount or value in excess of five thousand rupees, up to fifty thousand rupees.	Three per centum on such amount or value, and four and a half per centum on the amount or value of the debts or securities to which the certificate is extended under section 376 of the Act.
12. Certificate under Part X of the Indian Succession Act 1925 (Central Act XXXIX of 1925).	When the amount or value exceeds fifty thousand rupees, on the portion of such amount or value in excess of fifty thousand rupees, up to one lakh of rupees.	Four per centum on such amount or value and five and a half per centum on the amount or value of the debts or securities to which the certificate is extended under section 376 of the Act.

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Ad valorem Fees	*Proper Fee.*	*Number.*
When such amount or value exceeds one lakh of rupees, on the portion of such amount or value in excess of one lakh of rupees.	Five per centum on such amount or value and six and a half per centum on the amount or value of debts or securities to which the certificate is extended under section 376 of the Act.	

Note.—(1) The amount of a debt is its amount, including interest on the day of which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

(2) Whether or not any power with respect to a security specified in a certificate has been conferred under the Act; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security or for both purposes, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained."

(*c*) For the Table of Rates of *Ad valorem Fees*, leviable on the Institution of suits, the following Table shall be substituted, namely :—

Table of Rates of Ad valorem Fees Leviable.

(*a*) On plaints, etc., mentioned in Article I of this Schedule.—

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
...	5	0 8	270	280	31 7
5	10	1 1	280	290	32 9
10	15	1 10	290	300	33 11
15	20	2 3	300	310	34 13
20	25	2 12	310	320	35 15
25	30	3 5	320	330	37 1
30	35	3 14	330	340	38 3
35	40	4 7	340	350	39 5
40	45	5 0	350	360	40 7
45	50	5 9	360	370	41 9
50	55	6 2	370	380	42 11
55	60	6 11	380	390	43 13
60	65	7 4	390	400	44 15
65	70	7 13	400	410	46 1
70	75	8 6	410	420	47 3
75	80	8 15	420	430	48 5
80	85	9 8	430	440	49 7
85	90	10 1	440	450	50 9
90	95	10 10	450	460	51 11
95	100	11 3	460	470	52 13
100	110	12 5	470	480	53 15
110	120	13 7	480	490	55 1
120	130	14 9	490	500	56 3
130	140	15 11	500	510	57 5
140	150	16 13	510	520	58 7
150	160	17 15	520	530	59 9
160	170	19 1	530	540	60 11
170	180	20 3	540	550	61 13
180	190	21 5	550	560	62 15
190	200	22 7	560	570	64 1
200	210	23 9	570	580	65 3
210	220	24 11	580	590	66 5
220	230	25 13	590	600	67 7
230	240	26 15	600	610	68 9
240	250	28 1	610	620	69 11
250	260	29 3	620	630	70 13
260	270	30 5	630	640	71 15

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When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. a.
640	650	73 1
650	660	74 3
660	670	75 5
670	680	76 7
680	690	77 9
690	700	78 11
700	710	79 13
710	720	80 15
720	730	82 1
730	740	83 3
740	750	84 5
750	760	85 7
760	770	86 9
770	780	87 11
780	790	88 13
790	800	89 15
800	810	91 1
810	820	92 3
820	830	93 5
830	840	94 7
840	850	95 9
850	860	96 11
860	870	97 13
870	880	98 15
880	890	100 1
890	900	101 3
900	910	102 5
910	920	103 7
920	930	104 9
930	940	105 11
940	950	106 13
950	960	107 15
960	970	109 1
970	980	110 3
980	990	111 5
990	1,000	112 7
1,000	1,100	119 15
1,100	1,200	127 7
1,200	1,300	134 15
1,300	1,400	142 7
1,400	1,500	149 15
1,500	1,600	157 7
1,600	1,700	164 15
1,700	1,800	172 7
1,800	1,900	179 15
1,900	2,000	187 7
2,000	2,100	194 15

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. a.
2,100	2,200	202 7
2,200	2,300	209 15
2,300	2,400	217 7
2,400	2,500	224 15
2,500	2,600	232 7
2,600	2,700	239 15
2,700	2,800	247 7
2,800	2,900	254 15
2,900	3,000	262 7
3,000	3,100	269 15
3,100	3,200	277 7
3,200	3,300	284 15
3,300	3,400	292 7
3,400	3,500	299 15
3,500	3,600	307 7
3,600	3,700	314 15
3,700	3,800	322 7
3,800	3,900	329 15
3,900	4,000	337 7
4,000	4,100	344 15
4,100	4,200	352 7
4,200	4,300	359 15
4,300	4,400	367 7
4,400	4,500	374 15
4,500	4,600	382 7
4,600	4,700	389 15
4,700	4,800	397 7
4,800	4,900	404 15
4,900	5,000	412 7
5,000	5,250	427 7
5,250	5,500	442 7
5,500	5,750	457 7
5,750	6,000	472 7
6,000	6,250	487 7
6,250	6,500	502 7
6,500	6,750	517 7
6,750	7,000	532 7
7,000	7,250	547 7
7,250	7,500	562 7
7,500	7,750	577 7
7,750	8,000	592 7
8,000	8,250	607 7
8,250	8,500	622 7
8,500	8,750	637 7
8,750	9,000	652 7
9,000	9,250	667 7
9,250	9,500	682 7

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee		When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	
Rs.	Rs.	Rs.	a.	Rs.	Rs.	Rs.	a.
9,500	9,750	697	7	19,500	20,000	1,162	7
9,750	10,000	712	7	20,000	21,000	1,192	7
10,000	10,500	734	15	21,000	22,000	1,222	7
10,500	11,000	757	7	22,000	23,000	1,252	7
11,000	11,500	779	15	23,000	24,000	1,282	7
11,500	12,000	802	7	24,000	25,000	1,312	7
12,000	12,500	824	15	25,000	26,000	1,342	7
12,500	13,000	847	7	26,000	27,000	1,372	7
13,000	13,500	869	15	27,000	28,000	1,402	7
13,500	14,000	892	7	28,000	29,000	1,432	7
14,000	14,500	914	15	29,000	30,000	1,462	7
14,500	15,000	937	7	30,000	32,000	1,492	7
15,000	15,500	959	15	32,000	34,000	1,522	7
15,500	16,000	982	7	34,000	36,000	1,552	7
16,000	16,500	1,004	15	36,000	38,000	1,582	7
16,500	17,000	1,027	7	38,000	40,000	1,612	7
17,000	17,500	1,049	15	40,000	42,000	1,642	7
17,500	18,000	1,072	7	42,000	44,000	1,672	7
18,000	18,500	1,094	15	44,000	46,000	1,702	7
18,500	19,000	1,117	7	46,000	48,000	1,732	7
19,000	19,500	1,139	15	48,000	50,000	1,762	7

When the amount or value of the subject-matter exceeds Rs. 50,000 for every five thousand rupees or part thereof in excess of fifty thousand rupees—thirty rupees.

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Table of Rates of Ad-valorem Fees leviable.

(*b*) On plaints, etc., mentioned in Article I-A of this Schedule.—

When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee	When the amount or value of the subject-matter exceeds	But does not exceed	Proper fee
Rs.	Rs.	Rs. a.	Rs.	Rs.	Rs. a.
...	5	0 6	200	210	15 12
5	10	0 12	210	220	16 0
10	15	1 2	220	230	17 4
15	20	1 8	230	240	18 0
20	25	1 14	240	250	18 12
25	30	2 4	250	260	19 8
30	35	2 10	260	270	20 4
35	40	3 0	270	280	21 0
40	45	3 6	280	290	21 12
45	50	3 12	290	300	22 8
50	55	4 2	300	310	23 4
55	60	4 8	310	320	24 0
60	65	4 14	320	330	24 12
65	70	5 4	330	340	25 8
70	75	5 10	340	350	26 4
75	80	6 0	350	360	27 0
80	85	6 6	360	370	27 12
85	90	6 12	370	380	28 8
90	95	7 2	380	390	29 4
95	100	7 8	390	400	30 0
100	110	8 4	400	410	30 12
110	120	9 0	410	420	31 8
120	130	9 12	420	430	32 4
130	140	10 8	430	440	33 0
140	150	11 4	440	450	33 12
150	160	12 0	450	460	34 8
160	170	12 12	460	470	35 4
170	180	13 8	470	480	36 0
180	190	14 4	480	490	36 12
190	200	15 0	490	500	37 8

Amendment of Schedule II to Mysore Act III of 1900.

4. In Schedule II to the Principal Act,—

(*a*) for Articles 11, 11-A and 11-B, the following Articles shall be substituted; namely:—

Number	*Fixed fee*	*Proper fee*
"11. Plaint or memorandum of appeal in a suit—		
(i) to alter or set aside a summary decision or order of any civil court or Revenue Court;	.....	Fifteen rupees.
(ii) to alter or cancel any entry in a register of the names of Proprietors of revenue paying estates;		
(iii) for relief under section 91 or section 92 of the Code of Civil Procedure, 1908.	.....	Fifty rupees.
11-A. Plaint or memorandum of appeal in a suit—		
(i) to obtain a declaratory decree where no consequential relief is prayed;	When the plaint is presented to or the memorandum of appeal is against the decree of—	.....
(ii) to set aside an award;		
(iii) to obtain a declaration that an alleged adoption is invalid or never in fact took place or to obtain a declaration that an adoption is valid.	(*a*) Munsiff's Court	Fifteen rupees.
	(*b*) a District Court or Sub-Court.	Hundred rupees if the value for purposes of jurisdiction is less than ten thousand rupees; five hundred rupees if such value is ten thousand rupees or upwards.
11-B. Plaint or memorandum of appeal in every suit where it is not possible to estimate at a money value the subject matter in dispute and which is not otherwise provided for by this Act.	When the plaint is presented to or the memorandum of appeal is against the decree of,—	.....
	(*a*) a Revenue Court	Ten rupees.
	(*b*) a Munsiff's Court	Fifteen rupees.
	(*c*) a District Court or Sub-Court.	One hundred rupees".

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(*b*) After Article 13, the following Articles shall be added namely:—

Number	*Fixed fee*	*Proper fee*
14. Every petition under the Indian Divorce Act, 1869, except petitions under section 44 of the same Act, and every memorandum of appeal under section 55 of the same Act.	.....	Twenty rupees
15. Plaint or memorandum of appeal under the Parsi Marriage and Divorce Act, 1936.	.....	Twenty rupees.'

G. S. VENKATARAMANA IYER,
Secretary.

Printed by the Director of Printing, Stationery and Publications at the Government Press, Bangalore.